

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL L. HARRIS, )  
Petitioner, )  
v. ) CAUSE NO. 3:06-CV-41 PS  
INDIANA PAROLE BOARD, )  
Respondent. )

OPINION AND ORDER

Michael L. Harris, a *pro se* prisoner, filed a motion for a certificate of appealability and a motion to proceed *in forma pauperis* on appeal. Pursuant to FED. R. APP. P. 22(b)(1), “If an applicant files a notice of appeal [in a habeas corpus case], the district judge who rendered the judgment must either issue a certificate of appealability or state why a certificate should not issue.”

To obtain a COA under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a constitutional right, a demonstration that, under *Barefoot v. Estelle*, 463 U.S. 880 (1983)], includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.

*Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quotation marks and citation omitted). Additionally, “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Substantively, for the reasons stated in this court’s order dated June 4, 2007 (docket # 18), this appeal does not raise any such issues, nor is it taken in good faith. Mr. Harris may still proceed with this appeal, but to do so he must pay the full \$455.00 filing fee in advance.

For the foregoing reasons, the court:

- (1) DENIES the motion for a certificate of appealability (docket # 21);
- (2) DENIES the motion for leave to proceed on appeal *in forma pauperis* (docket #22);
- (3) GRANTS Michael L. Harris to and including July 2, 2007, within which to pay the \$455.00 filing fee; and
- (4) CAUTIONS Michael L. Harris, that if he does not pay this filing fee by that date, this appeal may be dismissed without further notice.

**SO ORDERED.**

ENTERED: June 21, 2007.

s/ Philip P. Simon  
PHILIP P. SIMON, JUDGE  
UNITED STATES DISTRICT COURT